

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FRANKLIN L. WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,
and RICHARD M. DARDEN,

Respondents.

CIVIL ACTION NO.: CV512-139

CASE NO.: CR506-14


ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Plaintiff's Notice of Appeal delivered to prison officials on March 5, 2013, is deemed timely filed. Plaintiff is permitted to proceed with his appeal in this case.

Plaintiff has filed a Motion for Summary Judgment. Said Motion (doc. 26) is **DENIED** because Plaintiff's appeal of this case has divested this Court of jurisdiction to act. See, e.g. *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003.)

SO ORDERED, this 7th day of FEBRUARY, 2014.


WILLIAM T. MOORE, JR., JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA